

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MITSUBISHI CHEMICAL CORPORATION,
MITSUBISHI TANABE PHARMA
CORPORATION, ENCYSIVE
PHARMACEUTICALS INC.,
SMITHKLINE BEECHAM PLC AND
SMITHKLINEBEECHAM CORP. D/B/A
GLAXOSMITHKLINE,

Plaintiffs,

v.

BARR LABORATORIES, INC.,

Defendant.

Civil Action No. 1:07-CV-11614-JGK

Electronically Filed

**STIPULATION AND PROPOSED
ORDER**

It is hereby stipulated and agreed by counsel for Plaintiffs SmithklineBeecham PLC and SmithklineBeecham (together "Plaintiffs") and counsel for Defendant Barr Laboratories, Inc. ("Barr") and counsel for PLIVA-Hrvatska d.o.o. ("PLIVA") that:

WHEREAS, by letter dated November 16, 2007 (with certain attachments) counsel for Barr advised that the Food and Drug Administration ("FDA") had received an ANDA 79-238 from Barr;

WHEREAS, in reliance thereon Plaintiffs commenced this action within a 45-day period;

WHEREAS, by letter dated January 15, 2008 (with certain attachments) counsel for Barr advised that the name of the applicant identified in ANDA 79-238 was PLIVA and that Barr is identified in the ANDA as the authorized agent of PLIVA; and

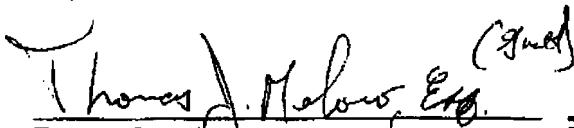
WHEREAS, Barr has filed an answer with a counterclaim.

NOW THEREFORE, in order to efficiently resolve certain issues arising from the matters described above, Plaintiffs, Barr and PLIVA, through their undersigned counsel, hereby stipulate and agree as follows:

- (1) Plaintiffs may file an amended complaint on or before February 21, 2008.
- (2) Barr and PLIVA (assuming it is named as a defendant in the amended complaint) shall answer or move with respect to the amended complaint on or before March 12, 2008.
- (3) Willkie Farr & Gallagher LLP is authorized by Barr and PLIVA to accept, and hereby agrees to accept, service of an amended complaint on their behalf.

Dated: New York, N.Y.
February __, 2008

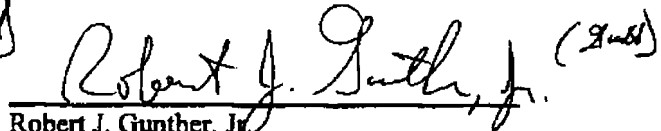
Respectfully submitted,

 (guar)

Thomas J. Meloro, Esq.
Diane C. Ragosa, Esq.
Heather M. Schneider, Esq.

WILLKIE FARR & GALLAGHER LLP
Attorneys for Defendant Barr Laboratories,
Inc. and Non-Party PLIVA-Hrvatska
d.o.o.

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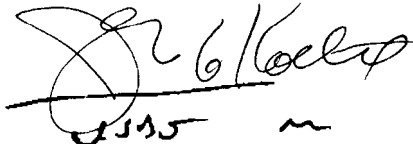
 (guar)

Robert J. Gunther, Jr.
WILMER, CUTLER, PICKERING, HALE
AND DORR LLP

Attorneys for Plaintiffs
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SmithKline Beecham Corp. d/b/a
GlaxoSmithKline

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SO ORDERED:


2/25/08